

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK**

ANTONIO CABALLERO,

Plaintiff,

v.

FUERZAS ARMADAS  
REVOLUCIONARIAS DE COLOMBIA,  
a/k/a FARC-EP a/k/a REVOLUTIONARY  
ARMED FORCES OF COLOMBIA; and  
THE NORTE DE VALLE CARTEL,

Defendant.

Case No.: 1:20-mc-00040-LJV

**NOTICE OF MOTION OF INTERVENOR-DEFENDANTS  
PETRÓLEOS DE VENEZUELA S.A. AND ITS SUBSIDIARIES  
TO SUBSTITUTE COUNSEL AND FOR A STAY OF PROCEEDINGS**

PLEASE TAKE NOTICE that pursuant to Local Rule of Civil Procedure 83.2(c) the undersigned will bring a motion for the Court to substitute counsel for Intervenor-Defendant Petróleos de Venezuela, S.A. (“PDVSA”) and Aceites y Solventes Venezolanos Vassa S.A., PDV Marina S.A., Petroanzoategui S.A. (a/k/a Petro San Felix S.A.), Venfleet Asphalt, Ltd., Venfleet, Ltd., and Venfleet Products, Ltd. (the “PDVSA Subsidiaries”), on the grounds that current attorneys of record, Terrence P. Flynn of the law firm Harris Beach LLP and Marcos D. Jiménez of the law firm of Marcos D. Jiménez, P.A., were not duly authorized by the Ad Hoc Board of Directors of PDVSA — appointed by the Interim Government of the Bolivarian Republic of Venezuela led by Interim President of Venezuela, Juan Gerardo Guaidó Márquez — to appear on behalf of PDVSA or the PDVSA Subsidiaries. PDVSA and the PDVSA Subsidiaries will also move for a stay of proceedings in this case pending resolution of their Motion to Substitute Counsel and until the Interim Government transitions the country to democratic rule.

Attached in support are (1) Motion and Memorandum of Law of Intervenor-Defendants Petróleos de Venezuela, S.A and its Subsidiaries to Substitute Counsel and For

a Stay of Proceedings; (2) Declaration of Claire A. DeLelle in Support of the Motion to Substitute Counsel and for a Stay of Proceedings; and (3) Exhibits to the Declaration of Claire A. DeLelle.

PLEASE TAKE FURTHER NOTICE that movants intend to file and serve reply papers.

By filing this Motion, PDVSA and the PDVSA Subsidiaries do not waive and expressly preserve any rights, privileges, immunities, and defenses, including but not limited to their right to challenge service of process and personal and subject-matter jurisdiction under applicable laws such as the Foreign Sovereign Immunities Act.

Dated: March 26, 2021

Respectfully submitted,

**WHITE & CASE**

By: /s/ Kimberly A. Havlin

Kimberly A. Havlin

White & Case LLP

1221 Avenue of the Americas

New York, N.Y. 10020

(212) 819-8200

kim.havlin@whitecase.com

Nicole Erb (pending admission)

Claire A. DeLelle (pending admission)

Timothy L. Wilson, Jr. (pending  
admission *pro hac vice*)

White & Case LLP

701 Thirteenth Street, N.W.

Washington, D.C., 20005

(202) 626-3600

nerb@whitecase.com

claire.delelle@whitecase.com

timothy.wilson@whitecase.com

**CERTIFICATE OF SERVICE**

I hereby certify that on March 26, 2021, a true and correct copy of the foregoing was electronically served upon filing to all counsel of record via the CM/ECF filing system.

/s/ Kimberly A. Havlin